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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,086	07/16/1999	SETH REDMORE	FORE-56	7325

7590 09/24/2003  
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ONE STERLING PLAZA  
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PITTSBURGH, PA 15213

EXAMINER

WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/356,086

Applicant(s)

REDMORE, SETH

Examiner

Norman M. Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**NORMAN M. WRIGHT**  
**PRIMARY EXAMINER**

***Drawings***

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. When the application is allowed, applicant will be required to submit new formal drawings. See the attached PTO 948 for the specifics of the drawing objections.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 13-14, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Segal, U.S. Pat. No. 6,345,299 B2, hereinafter '299.

As per claims 1-2 and 13-14, '299 substantially teach the claimed invention comprising: a secure telecommunication/distributed system and method having a network, a switch, a first and second inspection engines, a first and second destination connected to a switch, and a plurality of firewalls. See abs., fig. 2-4, summary, col. 2, lines 50 et seq., col. 3, lines 26 et seq., and col. 4, line 20 et seq.. It is inherent in TCP systems that routers perform the routine functions of

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forwarding and dropping packets that are not destined for a particular address, this is well known in the data processing arts.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-12 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over '299 as applied to claims 1-2 and 13-14 above, and further in view of Haung, U.S. Pat. No. 5,841,775, hereinafter '775.

6. As per claims 3-5, '299 teach the use of a plurality of firewalls/nodes may be utilized, and that a list for each node would provide means to transmit and receive transmissions. See fig. 2, col. 3, lines 26 et seq. and lines 35 et seq.. Not explicitly taught is the port and connections to the various nodes. '775 teach that a plurality and variety of ports, routers, and switches may be connected for processing TCP transmission within a network. It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the invention of '299 with the types of routers, and network switches utilized in '775 as a means of providing connectivity within his TCP transmission network system. One of ordinary skill in the art would have been motivated to perform such a modification, because, '299 invention has as a goal, a desire to protect the network from activities that could possibly overwhelm the system

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with more data than it can process at network links (e.g. firewalls, routers, bridges etc.).

And further because, the another aim of the invention of '299 is to limit access to nodes/firewalls, routers, switches etc, to the transmissions of signals that are directed to a particular destination, while affording a distributed control mechanism for the firewall system (col. 1, lines 20 et seq.). The use of a scalable network of switches and routers as described in '775, is well suited for the task of providing the connectivity desired by '299, while providing for a reduction in traffic congestion, and increasing the versatility of the connections between network elements (see col. 1 et seq.). The incorporation of such switches would afford the system of '299 with a greater ease of controlling the connection and routing the traffic, as virtually any port may be connected to any switch or router.

7. As to claim 6 and 7, '299 provides for nodes/ firewalls to be connected into subnetworks/security types/groups and load sharing (see fig. 2, and col. 2, lines 20 et seq., and lines 57 et seq., col. 3, lines 25 et seq.). Likewise, 775 teaches load balancing in the network of switches at fig.8, 11 and 13.

8. As to claims 8-9, '775 teach that his system continually updates and balances the load, is scalable, as well as fault tolerances figs 7, 8, 11 and 13. '299 also re-balance his loads under the control of firewalls (col. 4, lines 20 et seq., and claims 5 and 8).

9. As to claims 10-12, '299 provides for the firewall encrypting, and transmitting data, it has network devices that are servers, and may be utilized in a LAN environment. See (col. 1, lines 34 et seq., and col. 2, lines 14 et seq.). As to the 1Gbps of traffic, this

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is a rate that standard servers and firewalls perform at, and is not distinguishable from the firewalls and server conventionally used in the data processing arts.

10. As to claims 15-20, they fail to distinguish over the rejected claims of 1-14, accordingly see above for the specifics of the rejections. '299 teach that his firewalls may be connected to various sub-networks (security groups) based on the type/security and load of access that is desirable. He goes further to teach that the routing of the data may be firewall specific, and that each node is informed of the type and access destination requirements of traffic so that routing may be accomplished while maintaining security. As to the specifics of the port and switch connection necessary for his invention, recites that routers, filters, and switches are utilized and integrated, so that, information arrives at a destination where it is permitted. '775 taught that the connectivity of ports within a router and the switches necessary for carrying out various routing paths may be utilized in such a manner that great versatility, load sharing and fault tolerance may be achieved.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***Response to Arguments***

12. Applicant's arguments filed 7/10/03 have been fully considered but they are not persuasive. Applicant's sophistic remarks regarding the prior art not teaching any inspection engine or switch is perplexing to the examiner. To begin with applicant has

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defined his inspection engine as a firewall and his switch as routers/gateways, see his disclosures at pg. 5, lines 4 et seq., and figs. 1-3. Therefore the examiner does not understand what applicant's inspection engine and switch is if it is not the recited elements above. More over both '299 and '775 teach these elements see both abstracts, '299 at background and summary, and figure2, see also '775 at background and figure 1 et seq.. As to the remarks regarding the creation and routing of the list in claims 1 and 13, this feature is not claimed and is therefore moot. No specific architecture is claimed, and is therefore broadly met by similar/identical devices meeting and performing the same identical functions, as recited in claims 1 and 13. In response to applicant's argument that '775 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, '775 is a prior art reference that deals with the switching problems in a network, e.g. routers, gateways, bridges etc. It is worth nothing here, that the invention of '299 is a security distributed network system, wherein the firewall utilizes/receives data, packets, information, from switches, routers, gateways, and bridges. Therefore, a person of ordinary skill in the art looking to solve routing, switching problems in a scalable network system would naturally look to an invention that utilizes a scalable network switching solution.

***Conclusion***

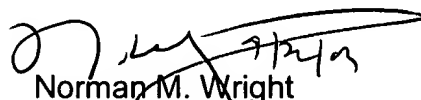
13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (703) 305-9586. The examiner can normally be reached on 5/4/9 compressed week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse may be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Norman M. Wright  
Primary Examiner  
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